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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. No.1905 of 2018 and
C.M.P. No.15377 of 2018

- 1.The Government of Tamil Nadu
Rep. by its Secretary
Environment and Forest Department
Secretariat, Chennai - 600 009
 - 2.The Principal Chief Conservator of Forests
having office at Panagal Maaligai
Saidapet, Chennai - 600 015
 - 3.The District Forest Officer
Trichirapalli
 - 4.The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet, Chennai - 600 018 ...Appellants / Respondents
- vs
- Tmt.L.Saraswathi ...Respondent / Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 24.04.2015 made in W.P. No.11969 of 2015 petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the Petitioner as Social Forestry Worker on daily wage basis from 18.02.1982 till 31.08.2004 along with the regular service rendered by her as Forest Watcher from 01.09.2004 till the date of her retirement namely 30.09.2012 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner will all consequential monetary benefits.

For Petitioner : Mr.R.Neelakandan
State Government Counsel



JUDGMENT
(delivered by PUSHPA SATHYANARAYANA, J.)

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Challenge in this writ appeal is to the order of the writ court order dated 24.04.2015 made in W.P. No.11969 of 2015. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent was appointed as a Social Forestry Worker in the Forest department on 18.02.1982 and her services were regularised on 01.09.2004 and she retired on 30.09.2012. As the services of respondent were regularized after 22 years, she prayed for counting of 50% of the temporary services rendered by her along with her remaining service for the purpose of calculating the pension and terminal benefits by filing a writ of mandamus in W.P. No.11969 of 2015. The said writ petition was allowed, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 13.02.2012 and directed the respondents 1 to 3 therein to count half of the service rendered by the respondent herein/writ petitioner as Social Forestry Worker on daily wages basis along with the regular service rendered by her till the date of her retirement as qualifying service, in a time bound manner.

3. It is also to be noted that the said issue of counting 50% of the temporary services rendered by a person for computing the pensionary benefits is no longer res integra in view of the recent judgment of the Full Bench of this court in the Government of Tamil Nadu and Ors. vs. R. Kaliyamoorthy reported in (2019) 6 CTC 705.

4. However the learned Government Pleader representing the appellants would state that the order passed by the learned single Judge was implemented and given effect in its letter and spirit.

5. In view of the above, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Asr



To

1.The Secretary,
The Government of Tamil Nadu,
Environment and Forest Department,
Secretariat,
Chennai-600009.

2.The Principal Chief Conservator of Forest,
Having office at Panagal Maaligai,
Saidapet,
Chennai-600015.

3.The District Forest Officer,
Trichirapalli.

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600018.

+1cc to the Government Pleader, S.R.No.34019

W.A. No.1905 of 2018 and
C.M.P. No.15377 of 2018

VG-II (CO)
RVM(10/08/2021)